IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CWP No.18999 of 2006
Date of decision: 12. 7.2007

Gurcharan Singh

...Petitioner

vs.

Presiding Officer, Labour Court, Patiala and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Mr. MS Bedi, Advocate, for the petitioner.

JUDGMENT:

This petition challenges award of the Labour Court declining relief to the workman.

Case of the workman is that he was working as a Salesman with the management of respondent No.2 – Cooperative Society. He joined on 24.1.1992 and his services were terminated vide order dated 10.8.1995 w.e.f 9.5.1995. He raised an industrial

dispute which was referred for adjudication to the Labour Court. His case before the Labour Court was that during enquiry, he was not given copies of proceedings and list of witnesses and witnesses were not examined in his presence nor he was given opportunity to cross-examine the witnesses of the management. Approval of the competent authority was also not obtained.

The management contested the claim, inter-alia, on the plea that the charge of misconduct having been duly proved in enquiry, termination of his services was valid.

The Labour Court considered the matter mainly under Issue Nos. 5 and 6. Under Issue No.5, it was held that since copy of enquiry report was not supplied to the workman, the workman was not given reasonable opportunity. Under Issue No.6, it was held that charges against the workman stood proved.

The observations of the Labour Court regarding the charges pressed by the management from para 19 of the impugned award are extracted below:-

> "Allegation No.1(4) is extracted below:-
>
> "Stock of essential goods."
>
> According to stock register, charge given is less and by misappropriation of Rs.9,682/- in the stock of essential goods, has misused his powers.
>
> Allegation No.1(5) is extracted below:-
>
> According to cash book of the essential goods,

> cash balance is Rs.1045.55, the same have neither been given in the charge nor have been deposited in the bank"
>
> Allegation No.2(2) is extracted below:-
>
> Cash balance of Rs.1045.55 of sale of essential goods has been used for domestic purpose."

The Labour Court, inter-alia, referred to copy of cash book Ex.M1 which was confronted to the workman who admitted that he had the charge of goods, which was subject matter of the charge sheet. He did not deposit the sale proceeds thereof within the stipulated time and made the deposit after about six months (as per finding recorded in para 21 of the impugned award). Reference was also made to award Ex.M/2 and admission of the workman that the amount was deposited by him later.

The Labour Court, after due appreciation of evidence, concluded that the charge of misconduct stood proved against the workman. It was, however, held that termination of his services would be effective from the date of the order itself and not from an earlier date.

We have heard learned counsel for the petitioner and perused the record.

In view of finding of fact recorded by the Labour Court, which is not shown to be perverse, we are of the view that no interference with the impugned award is called for.

The writ petition is dismissed.

(Adarsh Kumar Goel)
Judge

July 12, 2007 (Ajai Lamba)
'gs' Judge